

15CV1489

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|-----------------------------|---|----------------------|
| JAVELL FOX |) | INMATE |
| Plaintiff(s) |) | CIVIL RIGHTS |
| |) | COMPLAINT PURSUANT |
| JOSEPH vs. |) | PURSUANT TO |
| JOSEPH A D'AMICO |) | 42 U.S.C. § 1983 |
| |) | |
| Defendant(s) |) | Case No. 9: __ CV __ |

Plaintiff(s) demand(s) a trial by: ☒ JURY ☐ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: JAVELL FOX 1281626
 Address: EASTERN N.Y CORRECTIONAL FACILITY
P.O BOX 338
NAPANOLCH N.Y 12458

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: JOSEPH A D'AMICO
 Official Position: SUPERINTENDANT N.Y.S POLICE
 Address: 1220 WASHINGTON AVE Bldg 22
ALBANY N.Y. 12226

2015 FEB 26 P 12:04
RECEIVED
SDNY PRO SE OFFICE

FACTS

On January 20, 2015 I sent a letter to the New York State Police superintendant, making ~~make~~ him Aware that correction officials were committing crimes against me, and I wanted to press charges. correction officials were committing the crimes of official misconduct PL 195.00; conspiracy, PL 105.00; Harassment 240.26(3) Falsifying documents, PL 175.00; these are all Penal Law violations. However superintendant of N.Y.S. Police Designated captain Daniel Hart to tell me, by letter, that he is forwarding my complaints to the inspector general's office. However the inspector general is not a Police officer and does not have jurisdiction to press criminal charges for me. and since I was denied the right to press criminal charges on officials that committed crimes against me, "because I'm a prisoner", my 9th constitutional right was violated under equal protection and my 14th Amendment right was violated under substantive due process, and I was discriminated against.

7.4

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

on January 20th 2015 I sent a letter to the NEWYORK STATE POLICE SUPERINTENDANT making him aware that I wanted to press charges on Correction officials at the Prison I'm housed at and the reason why.

SECOND CAUSE OF ACTION

on January 26, 2015 I received a letter from N.Y.s Police Superintendent Designee Captain Hart stating my letter was forwarded to Prison Inspector General and its his Jurisdiction

THIRD CAUSE OF ACTION

Prison Inspector General has no Jurisdiction to file criminal charges on my behalf and therefore I was denied my right to substantive due process and Equal Protection of the law under the United States Constitution.

8.5 PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

Money Damages, punitive damages, nominal
damages and injunctive relief, and mental
anguish. Money damages in the Amount of \$35,000,
Punitive damages in the Amount of \$150,000 mental
anguish \$75,000

I declare under penalty of perjury that the foregoing is true and correct.

DATED: FEBRUARY 2, 2015

Janelle Fox

Signature of Plaintiff(s)
(all Plaintiffs must sign)

02/2010.